

PPC 9432.1984(07)

WASTEWATER TREATMENT UNIT EXEMPTION/DEFINITION

DEC 24 1984

MEMORANDUM

SUBJECT: Request for Guidance/Clarification of Wastewater
Treatment Unit Definition

FROM: John M. Skinner, Director
Office of Solid Waste (WH-562)

TO: James H. Scarbrough, Chief
Residuals Management Branch
Waste Management Division
E.P.A. Region IV

Your memo of December 11, 1984 is one of several requests for guidance that OSW has received from the Regions since the wastewater treatment unit exemption was promulgated on November 17, 1980.

The case on which you requested guidance involves tanks storing hazardous wastewaters that are then trucked across the Department of Energy Oak Ridge reservation to a treatment facility that has an NPDES permit. You asked whether a direct mechanical connection between the components of the treatment facility were necessary for the tanks to be part of the wastewater treatment facility.

For the purposes of this exemption, a wastewater treatment unit is defined in 40 CFR §260.10 as:

- (1) a tank,
- (2) which is part of a wastewater treatment facility subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act, and
- (3) which receives and treats or stores an influent wastewater that is a hazardous waste or which generates, accumulates, treats or stores a wastewater treatment

sludge that is a hazardous waste.

In providing guidance on implementation of this rule, we have been basing our interpretations on the intent of the exemption as well as on the wording of the regulation.

You acknowledge that the DOE reservation is a "facility," and we have followed this interpretation in accepting their Part A RCRA application. Because there is no requirement that components of the wastewater units in a facility be connected, there is no reason why wastewater could not be piped, trucked, or otherwise conveyed from one wastewater unit to another. Therefore, the wastewater tanks in question are part of a wastewater treatment unit, exempt under 40 CFR §264.1(g)(6).

Further, this office has acknowledged that if wastewater is stored and treated in a tank at one facility prior to shipment to a POTW, the tank is exempt under 40 CFR §264.1(g)(6) (see the attached memorandum).

If you have any questions, please call Donald White (382-7917) or my staff.

Attachment